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## MEMO ENDORSED

October 13, 2020

**VIA ECF**

Honorable Edgardo Ramos, U.S.D.J.  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

**Re: United Stated v. James Toner, 17 CR 569 (ER)**

Dear Judge Ramos:

Defendant James Toner respectfully requests a third adjournment of his surrender date to Brooklyn MDC. He is currently scheduled to surrender on October 17, 2020 and requests an additional three months. On May 22, 2020, the Court granted defendant James Toner's first request for an adjournment (dkt. 235). On July 13, 2020, the Court granted Mr. Toner's second request for an adjournment (dkt. 244). According to documentation dated August 13, 2020 from a nurse practitioner in Manahawkin, New Jersey, Mr. Toner's spouse suffers from medical conditions. Mr. Toner advises that his wife is at home but she needs to remain on an oxygen machine. He seeks the adjournment so he can continue to care for his wife.

I have conferred with AUSA Michael McGinnis, and he has no objection.

Respectfully submitted,

/s/

Rodney Villazor, Esq.  
**Smith Villazor LLP**

Mr. Toner shall now surrender at the institution designated by the BOP on January 17, 2021. The Clerk of Court is respectfully directed to terminate the motion. Doc. 257.

So ordered.



Edgardo Ramos, U.S.D.J  
Dated: 10/14/2020  
New York, New York